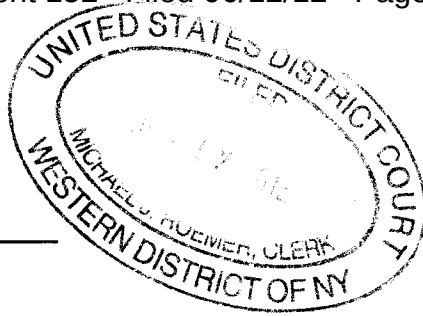


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS/CD-O-

APRIL ROUNDS,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

DECISION AND ORDER
12-CV-6300CJS
05-CR-6033CJS

Petitioner, April Rounds, acting *pro se*, seeks relief pursuant to 28 U.S.C. § 2255, alleging that this Court's decision not to order a sentence reduction was unconstitutional or unlawful, as set forth more precisely in the petition. Petitioner has also filed a Motion to Appoint Counsel (05-CR-6033, Docket No. 151).

Petitioner previously filed a Notice of Appeal relating to the sentence reduction issue (05-CR-6033, Docket No. 148). Petitioner's appeal is currently pending in the Second Circuit Court of Appeals (Docket No. 12-1440), while she is simultaneously seeking relief in this Court. In the interest of judicial economy, the petition in this Court is dismissed without prejudice. Plaintiff may file a new § 2255 petition for relief in this Court in the future, if she does not obtain the relief she is seeking in the Court of Appeals. See *United States v. Outen*, 286 F.3d 622, 632 (2d Cir. 2002); *Wall v. United States*, 619 F.3d 152, 154 (2d Cir. 2010).

Further, petitioner's Motion to Appoint Counsel is deemed moot and is dismissed.

SO ORDERED.

Dated: June 12, 2012
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge